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Professional Recovery Services, Inc. (PRS)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON

MARLA CASTLEMAN,

**Plaintiff,**

VS.

# PROFESSIONAL RECOVERY SERVICES, INC.,

Defendant.

Case No. CV-10-280-JLQ

**STATEMENT OF MATERIAL  
FACTS PURSUANT TO LR 56-1  
IN SUPPORT OF DEFENDANT  
PROFESSIONAL RECOVERY  
SERVICES' MOTION FOR  
SUMMARY JUDGMENT**

1. PRS is a collection agency. [Declaration of Vincent Kelly]

## Mulholland (Mulholand) ¶ 3].

2. Resurgent Capital Services LP (Resurgent) is a debt buyer.

[Mulholland ¶ 4].

<sup>3</sup> Citicorp Credit Services Inc. (Citicorp) was the debt seller.

[Mulholland ¶ 5]

4 The Palmer Firm, PC (Palmer Firm) is an attorney firm located in

Rancho Cucamonga, California. It does debt management for debtors

[Mulholland ¶ 6]

5 On or about 5/21/09, PPS was assigned an account against Marla

Castlemain (Castlemain) by Resurgent based on a purchased credit card debt in the

STATEMENT OF MATERIAL FACTS PURSUANT TO LR 56-1 IN SUPPORT OF DEFENDANT PROFESSIONAL RECOVERY SERVICES' MOTION FOR SUMMARY JUDGMENT 1

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1 sum of \$1,622.90. The last payment date was indicated to be 9/26/08, and the last  
2 payment amount was indicated to be \$1,095.63. The debt was incurred on a Sears  
3 Mastercard which was managed by Citicorp. [Mulholland ¶ 7].

4       6. On or about 5/21/09, a demand letter was sent to Castleman by PRS  
5 with the disclosures required under the Fair Debt Collection Practices Act, 15 USC  
6 § 1692g. There was no written response to this demand letter at any time.  
7 [Mulholland ¶ 8].

8       7. On or about 6/6/09, Castleman called PRS. Castleman indicated to  
9 PRS that her account had been settled by Palmer Firm. She gave a phone number  
10 for Palmer Firm of (800) 560-8520. This was the only communication with  
11 Castleman. [Mulholland ¶ 9].

12       8. PRS was initially unsuccessful in reaching Palmer Firm on 7/23/09  
13 and 7/30/09. [Mulholland ¶ 10].

14       9. On or about 8/24/09, PRS communicated with Palmer Firm. The  
15 Palmer Firm said they needed a letter from PRS showing the Palmer Firm that PRS  
16 had the account. PRS faxed the letter attached to the complaint as Exhibit C to the  
17 Palmer Firm at (909) 581-7317. Exhibit C was never mailed to Castleman, and  
18 was not sent to Castleman in any form except through the fax to the Palmer Firm.  
19 [Mulholland ¶ 11].

20       10. On or about 8/31/09, PRS contacted the Palmer Firm, and the Palmer  
21 Firm acknowledged receipt of the fax, and indicated they would be mailing PRS a  
22 letter. [Mulholland ¶ 12].

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11. On or about 9/11/09, PRS received information from the Palmer Firm that showed that the account was settled on 9/24/08. PRS canceled the account based upon receipt of this information from the Palmer Firm. [Mulholland ¶ 13].

12. On 8/23/10, Castleman filed this complaint against PRS. [Doc. 1].

13. On 10/26/10, the Court entered an Order requiring Plaintiff to file its final witness list on or before 2/1/11 [Doc. 10]. The Court stated that “Only listed witnesses may testify.” [Doc. 10].

14. Plaintiff failed to file and serve a final witness list on or before 2/1/11.

DATED: February 3, 2011.

## DAVENPORT & HASSEN, LLP

s/ Jeffrey I. Hasson  
Jeffrey I. Hasson, WSBA#23741  
Attorney for PRS

STATEMENT OF MATERIAL FACTS PURSUANT TO LR 56-1 IN SUPPORT OF  
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## Certificate of Service

I hereby certify that on February 3, 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Lisa Johnston-Porter, and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: \_\_\_\_\_.

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